

1 Joshua Koltun (Bar No. 173040)
2 One Sansome Street
3 Suite 1400, No. 2544
4 San Francisco, California 94104
5 Telephone: 415.680.3410
6 Facsimile: 866.462.5959
7 joshua@koltunattorney.com

8
9 Attorney for Nonparty Witnesses
10 Marine Taxonomic Services, Ltd,
11 Below the Blue, Seth Jones, and
12 Monique Rydel-Fortner ("BTB-MTS")

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PACIFIC BELL TELEPHONE COMPANY,

Movant,

v.

MARINE TAXONOMIC SERVICES, LTD.

Respondent

Case No. 2:24-cv-00022-KJM-JDP

**[PROPOSED ORDER] GRANTING
BTB-MTS REQUEST FOR
RECONSIDERATION BY THE
DISTRICT COURT OF MAGISTRATE
JUDGE'S RULING DATED
SEPTEMBER 30, 2025**

[No hearing, per L.R. 303(e)]
Judge: Hon. Kimberly J. Mueller

Case 2:21-cv-00073-JDP

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

PACIFIC BELL TELEPHONE COMPANY

Defendant

1 The Request by Nonparty Third Party Witnesses Below the Blue, Marine Taxonomic Services,
2 Ltd, Seth Jones, and Monique Rydel-Fortner (hereinafter, collectively, “BTB/MTS”) to Reconsider
3 the Magistrate Judge’s Ruling Dated September 30, 2025, for cost-shifting [has been submitted to this
4 Court][came on for hearing on [date]],

5 Upon consideration of the briefs, arguments and evidence in support of and in opposition to
6 the request the Court HEREBY FINDS AND ORDERS AS FOLLOWS:

- 7 1. The Magistrate Judge’s ruling denying BTB-MTS’s motion for cost shifting was
8 contrary to law and clearly erroneous. BTB-MTS is entitled to cost shifting.
- 9 2. The Court finds that BTB-MTS reasonably incurred the following expenses related to
10 compliance with the subpoenas, and concludes that these are to be compensated by
11 AT&T:
 - 12 a) \$227,512 for fees charged by A&M, the ESI vendor
 - 13 b) \$68,860 in attorney fees
 - 14 c) \$85,269 in hours spent by Jones and Rydel-Fortner
 - 15 d) For a total of \$381,641
- 16 3. The Court finds that, of that amount, \$380,000 was “significant.”
- 17 4. The Court also finds that BTB has also reasonably incurred \$35365 in attorney fees to date
18 (64.3 hours) on seeking cost-shifting
- 19 5. ***Thus the total amount that is awarded to BTB-MTS is \$415,365.***
- 20 6. AT&T is ordered to make such payment to Joshua Koltun, in trust. Koltun and BTB-MTS
21 are ordered to reimburse Dow Jones for any portion of the award that Dow Jones paid or
22 advanced to Koltun or A&M, and to pay to A&M such remaining portion as is owed
23 A&M.

24
25 IT IS SO ORDERED.

26 Dated: October __, 2025

27 The Honorable Kimberly J. Mueller
28 United States District Judge